

1 [Trial Courts Courthouse Construction Fund - Rescission of Superior Court Surcharges for
2 Court Construction]

3 **Ordinance rescinding the \$50 surcharge on civil, family, or probate filings in San**
4 **Francisco Superior Court under Board Resolution No. 714-92 that the City previously**
5 **collected to support the acquisition, rehabilitation, construction, and financing of**
6 **courtrooms or courtroom buildings.**

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8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Background.

17 California Government Code Sections 76100 and 70625 authorize the Board of
18 Supervisors (the "Board") to establish a Courthouse Construction Fund for the purpose of
19 assisting the City and County of San Francisco (the "City") in the acquisition, rehabilitation,
20 construction, and financing of courtrooms or courtroom buildings containing facilities
21 necessary for or incidental to the operation of the justice system, and require the City to place
22 certain surcharges on court filing fees and court-imposed fines, penalties, and forfeitures into
23 the Fund.

24 In compliance with an earlier iteration of the California Government Code, the Board
25 established the Courthouse Temporary Construction Fund and authorized the collection of
specified payments to be placed into that fund. In 1992, following a change in State law, the

1 Board adopted Resolution No. 714-92, which renamed the fund as the Courthouse
2 Construction Fund. Resolution No. 714-92 also authorized the imposition and collection of a
3 \$50 surcharge on filing fees in civil, family, or probate actions in Superior Court, and directed
4 that the revenues from that surcharge be deposited in the Courthouse Construction Fund. In
5 a separate resolution, Resolution No. 713-92, the Board authorized additional court-imposed
6 penalties, fines, and forfeitures to be deposited in the Fund. In Ordinance No. 316-00, the
7 Board again renamed the Fund as the Trial Courts Courthouse Construction Fund.

8 Under California Government Code Section 70402, any amount in the Fund must be
9 transferred to the State Court Facilities Construction Fund at the later of either (1) the date of
10 the last transfer of responsibility for court facilities from the City to the Judicial Council or
11 December 31, 2009, whichever is earlier; or (2) the date of the final payment of the bonded
12 indebtedness for any court facility that is paid from that fund is retired. The City's bond
13 indebtedness on the Civic Center Courthouse concluded on April 1, 2021, triggering the
14 requirement for the City to transfer any remaining monies in the Fund.

15 In Ordinance No. 68-22, the Board terminated the Trial Courts Courthouse
16 Construction Fund, and rescinded the additional penalties, fines, and forfeitures authorized by
17 Resolution No. 713-92 that had previously been collected and deposited in the Fund. The
18 ordinance did not terminate the \$50 surcharge authorized by Resolution No. 714-92, however.

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20 Section 2. Rescission of Surcharge.

21 The \$50 surcharge established in Resolution No. 714-92 and authorized by California
22 Government Code Section 70625 is hereby rescinded.

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24 Section 3. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

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4 Section 4. The Clerk of the Board of Supervisors is directed to (a) file a copy of this
5 ordinance in the Board file for Resolution No. 714-92, and (b) provide a copy of this ordinance
6 to the Controller to transmit to the Superior Court.

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8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

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10 By: /s/ _____
11 JON GIVNER
12 Deputy City Attorney

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